

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DePuy Mitek, Inc.)	
a Massachusetts Corporation)	
)	
Plaintiff.)	
)	
v.)	Civil No. 04-12457 PBS
)	
Arthrex, Inc.)	
a Delaware Corporation)	
)	
Defendant.)	

ASSENTED-TO MOTION FOR IMPOUNDMENT

Pursuant to Local Rule 7.2 and the Stipulated Protective Order of March 16, 2005, Plaintiff DePuy Mitek, Inc. (“DePuy Mitek”) hereby moves this Court for leave to file under seal: (1) Memorandum of Law in Support of Motion of Plaintiff DePuy Mitek to Join A Co-Defendant which memorandum refers to information that has been designated as Confidential by Defendant Arthrex, Inc.; and (2) certain Exhibits in Support of DePuy Mitek’s Motion (“collectively the “Submission”) that Arthrex, Inc. has designated Confidential. Counsel for Arthrex, Inc. has assented to this motion.

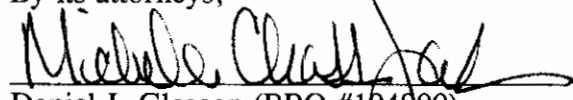
As grounds for this motion, DePuy Mitek states that Plaintiff’s Submission is replete with “Confidential”, “Confidential- Outside Attorneys Eyes Only” and “Confidential- Outside Non-Prosecution Counsel Only” information in the form of testimony, documents, and other information that is of a personal, proprietary or commercially sensitive nature, as designated by Defendant Arthrex under the Stipulated Protective Order.

WHEREFORE, DePuy Mitek respectfully requests that this Court impound Plaintiff's Submission, and requests that these documents be made available only to court personnel and no one else, until further order by the Court.

Respectfully submitted,

DEPUY MITEK, INC.,

By its attorneys,



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and

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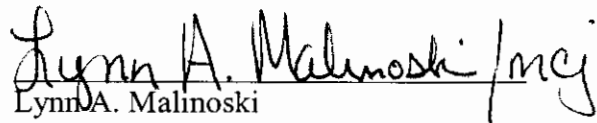
Philadelphia, PA 19103

(215) 568-3100

Dated: August 31, 2005

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

The undersigned hereby certifies that counsel for Plaintiff DePuy Mitek, Inc. has conferred with counsel for Defendant Arthrex, Inc., and that Arthrex, Inc. has assented to this motion.


Lynn A. Malinoski

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the attorneys of record for each party by mail/by hand

Date: 8/31/05 